

REMARKS

Drawings

Regarding the drawings, Applicant has canceled the claimed subject matter of "a width shorter than the short side of the base" from claims 17-18 and canceled claims 11-16. So, the rejection of the drawings is overcome.

Claim Rejections Under 35 U.S.C. 112

Regarding to the rejection of claims 11-18, Applicant has canceled the claimed subject matter of "a width shorter than the short side of the base" from claims 17-18 and canceled claims 11-16. Thus, the rejection is overcome.

Claim Rejections Under 35 U.S.C. 103

Claims 1, 3-4, 6, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al. (US 6,707,674) in view of Wu (US 6,542, 369) and further in view of Lin et al. (US 6,396,696); Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al. in view of Wu and further in view of Lin et al. and further in view of Kosteva et al (US 5,870, 285); Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al. in view of Wu and further in view of Lofland et al. (US 6,906, 923); Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al. in view of Wu and further in view of Lin et al. and further Lofland et al.

In response, Applicant has amended claims 17-18 and canceled claims 11-16.

In regard to claims 1, 6, the previously presented claims 1 and 6 restrict **“the body comprising a plurality of beams surrounding the electronic component and being sandwiched between the base and the circuit board, and a plurality of fasteners formed on the longitudinal beams”**. Claims 1 and 6 clearly point out that the longitudinal beams having the fasteners are sandwiched between the base and the circuit board. In contrary, Bryant et al. reference fails to teach or suggest that the beams (44) having the fasteners (64, 50) are sandwiched between the base of the heat sink (32) and the circuit board. Furthermore, the beams (44) of Bryant et al. which have the fasteners formed thereon are short beams of the frame member (30). However, claims 1 and 6 of the present invention clearly point out that the fasteners are formed on the longitudinal beams. Accordingly, the alleged combination of the cited Bryant et al., Wu and Lin et al. references cannot obtain the claimed subject matter of claims 1 and 6; thus, claims 1 and 6 are patentable over the cited Bryant et al., Wu and Lin et al. references.

Furthermore, Applicant submits that Lin et al. cannot be combined with Bryant et al., based on the following fact: Lines 43-52, Column 1 of BACKGROUND of Bryant et al. teach that Bryant et al. has excluded a circumstance of using metal leaf springs placed on each side of the heat sink and metal clips that span across the heat sink. However Lin et al. discloses that the engaging means (62) is formed on the clip (40), which spans across the heat sink (20). Since Bryant et al. has excluded the circumstance of using the clip (40) of Lin et al., it is not obvious for a person skilled in the art to consider a combination of Lin et al. and Bryant

et al. to obtain the claimed subject matter of claims 1 and 6 of the present invention. Lin et al. has taught away from such combination.

Moreover, there lacks a motive for a person skilled in the art to attain the alleged combination of the engaging means (62) of Lin et al. with the cutout of Bryant et al. In Bryant et al., the heat sink (32) is firstly placed into the frame (30) by flexing one of the retention tabs (46), and then a flat surface of the heat sink (32) engages with both the retention tabs (46) so that the heat sink (32) is secured in position. In this secured position, it is not necessary for Bryant et al. to use any other component (such as the engaging means (62) of Lin et al.) to engage in the cutout (not labeled) defined in the heat sink (32) of Bryant et al. in order to secure the heat sink (32) in position. In claims 1 and 6, as the structure per se, the fasteners (26) and cutouts (16) are both essential components for securing the heat sink (10) to the mounting device (20). Nevertheless, it is not necessary for the retention tabs (46) of Bryant et al. to engage in the grooves (alleged cutouts, not labeled) defined in the heat sink (32). Therefore, it is not obvious for a person skilled in the art to incorporate the pressing tabs (alleged engaging means (62)) of Lin et al. into the retention tabs (46) of Bryant et al. to engage in the grooves of Bryant et al., in order to obtain the claimed subject matter of "fasteners...engaging in the cutouts" of claims 1 and 6 of the present invention.

For a rejection of obviousness under 35 U.S.C. 103, the case law requires that the alleged combination needs a motivation to reach it. Otherwise, the rejection is regarded as only using the rejected claims as a template to combine the prior art references to reject the claims. Such a rejection is not sustainable and should be withdrawn, according to the law.

In the present case, there is no motivation in the combination of the cited Bryant et al., Wu and Lin et al, in the combination of the cited Bryant et al, Wu, Lin et al and Kosteva et al, in the combination of the cited Bryant et al. Wu and Lofland et al. and in the combination of Bryant et al, Wu, Lin et al and Lofland et al. to reach these combinations. Thus, claims 1 and 6, and their dependent claims 3-5, 17 and 8-10, 18 of the present invention are not obvious over the alleged combinations of the cited prior art references.

Because of the above-mentioned reasons, claims 1, 6 and their dependent claims 3-5, 17 and 8-10, 18 should be patentable.

In view of the foregoing, the subject application as claimed in the pending claims is in a condition for allowance and an action to such effect is earnestly solicited.

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